

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc. No. M-14702 of 2019
Date of decision: 08.04.2019**

Resham Bhatti

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. IPS Doabia, Addl. AG, Punjab.
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.120 dated 06.09.2017 registered under Sections 370, 420 read with Section 120-B IPC and Section 13 of the Punjab Anti Human Smuggling Act, 2012 at Police Station Bilga, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. The investigation has been completed and charges have also been framed. Out of total nine prosecution witnesses, two material witnesses have been examined and the petitioner is in custody since 17.01.2018. No other case of similar nature is pending against the petitioner. Trial may take time to conclude and no purpose would be served by keeping the petitioner in custody as offence is triable by the Magistrate.

Custody certificate has been filed by learned State counsel in the Court and the same is taken on record.

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Learned State counsel has not disputed the custody period as well as the fact that out of total nine prosecution witnesses, two material witnesses have been examined.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering that the petitioner is in custody since 17.01.2018; out of total nine prosecution witnesses, two material witnesses have been examined; no other case of similar nature is pending against the petitioner; offence is triable by the Magistrate and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Resham Bhatti) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

08.04.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes